



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STRIKER STRIKER & STENBY
103 EAST NECK ROAD
HUNTINGTON, NY 11743

COPY MAILED

OCT 26 2007

In re Application of

Westermann, et al.

Application No. 09/319,842

Filed: August 9, 1999

Attorney Docket No. 686

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed July 12, 2006.


The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is granted.

This application was held abandoned on June 4, 2004, after it was believed that no response was received to the Request for Reconstruction Notice under 37 CFR 37 CFR 1.251¹ mailed March 3, 2006. The notice allowed a period for reply of three (3) months from its mailing date. A Notice of Abandonment was mailed on June 13, 2006, indicating that a reply to the notice was not received.

The instant petition was filed on July 12, 2006. Petitioner maintains that a proper and timely response to the notice was filed on March 23, 2006. A copy of an Office date-stamped postcard acknowledging receipt of the response was filed with the petition. A review of the application file history also revealed a response to the Request for Reconstruction Notice under 37 CFR 37 CFR 1.251 that was filed March 23, 2006. Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was received prior to expiration of the period for reply. The holding of abandonment is withdrawn, accordingly.

Further inquiries regarding this decision may be directed to the undersigned at (571) 272-3222.

The application file is being forwarded to the Office of Patent Publications for further processing.


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

¹ It is noted that the Request for Reconstruction Notice under 37 CFR 1.251 was not found in the IFW application file. A record of the notice was found in the USPTO internal database.